IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No. 24869 of 2004

Between:

1 Smt.Nanduri Kalavathi W/o Veeraiah
resident of Nacharam Village , Enukuru Mandal, Khamman District.
2 Nanduri Veeraiah S/o Bhadraiah
resident of Nacharam Village , Enukuru Mandal, Khamman District.

..... PETITIONERS

AND

1 The District Collector, Khammam.
2 The Mandal Revenue officer Enukuru, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus directing the respondent to pay the compensation U/s 16 of the AP. Water Land and Trees Act, 2002 in the erect of seizing the bore well and motor in the petitioner's premises bearing no.1-70, Nacharam Village , Enukuru Mandal Khammam district as per the order /notice in Rc.No.B/1459/2002 dt. 10/11/2004 passed by the Mandal Revenue Officer Enukuru Mandal, Khammam district.

Counsel for the Petitioner: Mr.R.KAMESWAR RAO

Counsel for Respondents : G.P. FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioners claim that they are owners of house bearing No. 1-70, Nacharam village and about five years back, they stated to have dug a bore well therein. It is also stated that a public bore well also exist at a distance of about 10 to 15 meters, which was dug about 10 years back by the Gram Panchayat. While so, the Mandal Revenue Officer, Enkoor issued a notice dated 10-11-2004 stating that the petitioner is issuing water for agriculture by fixing a submergible motor to the bore situate at a distance of about 10 meters from the public drinking water bore well, causing decrease in water level in public bore well and directing the petitioner to remove the submergible motor within two days. The petitioner stated to have submitted an explanation on 16-11-2004 requesting the second respondent to permit him to use the bore water for about four months to save the standing crop. The grievance of the petitioner is that without passing any final orders considering his explanation, the respondent authorities are trying to remove the submergible motor, hence the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

As per section 12 of the Andhra Pradesh Water, Land and Trees Act, 2002, the respondent authorities are empowered to take such steps to protect the ground water/drinking water source. However, since the petitioner has stated to have

submitted his explanation to the notice dated 10-11-2004, the authorities can consider the same and pass appropriate final orders. Hence, the writ petition is disposed of directing the second respondent to consider the explanation submitted by the petitioner on 16-11-2004 and pass final orders in accordance with law, expeditiously. Till such time, the submersible motor fixed to the bore well of the petitioner should not be removed. No costs.

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N.V.RAMANA, J

Date: 30.12.2004

TVK/DA

To

1 The District Collector, Khammam.
2 The Mandal Revenue officer Enukuru, Khammam District.

3 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4 Two CD copies.